

In the Claims:

Claim 1 (Currently Amended). An apparatus for moving ~~a medical implement through~~ at least a portion of a tissue, the tissue having two tissue sections, the apparatus comprising:

a first tissue engaging ~~surface member~~ member being configured ~~to releasably hold the medical implement and to~~ contact a first tissue section;

a second tissue engaging ~~surface member~~ member being movable relative to said first tissue engaging ~~surface member~~ in order to contact a second tissue section ~~and to penetrate the medical implement into the tissue;~~

a magnetizable material being disposed in at least one of said first and second tissue engaging ~~surfaces members;~~ and

~~an magnetic field generator~~ electromagnet disposed in at least one of said first and second tissue engaging ~~surfaces not containing said magnetizable material members.~~

wherein ~~and generating~~ generation of a magnetic field ~~[[to]] moves at least one of said first and second tissue engaging members said magnetizable material~~ relative to said magnetic field generator, thereby ~~driving the other tissue engaging member the medical implement through the first tissue section and through the second tissue section at some moment by magnetic attraction alone.~~

Claim 2 (Currently Amended). The apparatus of claim 1, wherein the ~~magnetic field generator~~ magnetizable material is a permanent magnet.

Claim 3 (Currently Amended). The apparatus of claim 1, wherein ~~the magnetic field generator~~ the first and second tissue engaging members are ~~is an~~ electromagnets.

Claim 4 (Currently Amended). The apparatus of claim ~~[[3]]~~ 54, wherein the strength of the ~~magnetic field~~ electromagnet is variable to move the medical ~~implement~~ implant through at least a portion of the tissue.

Claim 5 (Currently Amended). The apparatus of claim 1, wherein ~~said magnetic field generator~~ the electromagnet creates a magnetic field having a polarity and said polarity is reversible.

Claim 6 (Currently Amended). The apparatus of claim ~~[[3]] 1~~, wherein ~~the magnetic field generator is positioned external to the tissue~~ further comprising a controller, the controller being configured to control the electromagnet.

Claim 7 (Currently Amended). The apparatus of claim ~~[[3]] 54~~, wherein the ~~magnetic field generator~~ electromagnet is selectably positionable to move the medical ~~implement~~ implant through the tissue.

Claims 8-15 (Cancelled).

Claim 16 (Withdrawn-Currently Amended). The apparatus assembly of claim 54, wherein the medical ~~implement~~ implant is made of a bio-resorbable material.

Claim 17 (Currently Amended). The apparatus assembly of claim 54, further comprising a suture attached to the medical ~~implement~~ implant.

Claim 18 (Withdrawn-Currently Amended). The apparatus assembly of claim 54, wherein the medical ~~implement~~ implant is a suture ~~anchor~~.

Claim 19 (Currently Amended). The apparatus assembly of claim 54, wherein the medical ~~implement~~ implant is a surgical needle.

Claims 20-23 (Cancelled).

Claim 24 (Currently Amended). The apparatus of claim 1, wherein the ~~magnetic field generator~~ electromagnet is positioned ~~external~~ adjacent to the tissue.

Claim 25 (Cancelled).

Claim 26 (Withdrawn - Currently Amended). A surgical instrument for delivery of an implant through tissue by magnetic attraction ~~alone at some moment~~, comprising:

a body;

a carrier located on the body for removably securing at least a portion of the implant to the instrument;

a tip located at a distal end of the body and configured and dimensioned for insertion through the tissue; and

a magnetic element located on the body, wherein interaction between the magnetic element and a magnetic field ~~external to the tissue~~ create[[s]] magnetic attraction to drive the implant through the tissue.

Claim 27 (Withdrawn). The instrument of claim 26, wherein the magnetic element is part of the body.

Claim 28 (Withdrawn). The instrument of claim 26, wherein the magnetic element is attached to the body.

Claim 29 (Withdrawn). The instrument of claim 26, wherein the magnetic element is a permanent magnet.

Claim 30 (Withdrawn). The instrument of claim 26, wherein the magnetic element is an electromagnet.

Claim 31 (Withdrawn). The instrument of claim 26, wherein the magnetic element is movable to provide directional control of the instrument as it is driven through the tissue.

Claim 32 (Currently Amended). The apparatus according to claim 1, wherein said ~~magnetic field generator~~ electromagnet creates a magnetic field that attracts said magnetizable material and a

biasing member tends to spread said first tissue engaging ~~surface member~~ from said second tissue engaging ~~surface member~~.

Claim 33 (Currently Amended). The apparatus according to claim 1, wherein said magnetizable material creates a magnetic field and said ~~magnetic field generator~~ electromagnet creates a magnetic field that repels said magnetic field of said magnetizable material.

Claim 34 (Currently Amended). The apparatus according to claim 33, further comprising a biasing member tending to compress said first tissue engaging ~~surface member~~ toward said second tissue engaging ~~surface member~~.

Claim 35 (Currently Amended). The apparatus according to claim ~~[[1]]~~ 54, wherein said ~~magnetic field generator~~ electromagnet creates a magnetic field that attracts said magnetizable material to urge the medical ~~implement~~ implant into at least a portion of the tissue by attracting said first tissue engaging ~~surface member~~ to said second tissue engaging ~~surface member~~ and includes a means for mechanically urging said first tissue engaging ~~surface member~~ toward said second tissue engaging ~~surface member~~.

Claim 36 (Currently Amended). The apparatus according to claim 35, further comprising a biasing member tending to spread said first tissue engaging ~~surface member~~ from said second tissue engaging ~~surface member~~.

Claim 37 (Currently Amended). The apparatus according to claim ~~[[1]]~~ 40, wherein said magnetizable material is a permanent magnet.

Claim 38 (Previously Presented). The apparatus according to claim 1, wherein said magnetizable material includes iron.

Claim 39 (Currently Amended). The apparatus according to claim ~~[[1]]~~ 40, wherein said magnetizable material is an electromagnet.

Claim 40 (Currently Amended). An apparatus for moving a medical ~~implement~~ implant through a tissue in a patient, the tissue having two tissue sections, the apparatus comprising:

a first handle;

a second handle;

a pivot connecting said first handle to said second handle;

a first tissue engaging ~~surface member~~ member being connected to said first handle and configured to releasably hold the medical ~~implement~~ implant and to contact a first tissue section;

a second tissue engaging ~~surface member~~ member being connected to said second handle and movable relative to said first tissue engaging ~~surface member~~ member in order to contact a second tissue section and to penetrate the medical ~~implement~~ implant into the tissue;

a magnetizable material being disposed in at least one of said first and second tissue engaging ~~surfaces members~~ members; and

a magnetic field generator disposed in at least one of said first and second tissue engaging ~~surfaces not containing said magnetizable material members~~ members,

wherein and generating generation of a magnetic field [[to]] moves at least one of said first and second tissue engaging members said magnetizable material relative to said ~~magnetic field generator, thereby driving the other tissue engaging member to drive~~ the medical ~~implement~~ implant through into at least a portion of the first and second tissue sections and through the second tissue section at some moment by magnetic attraction alone.

Claim 41 (Currently Amended). The apparatus according to claim 40, wherein said magnetic field generator attracts said magnetizable material to penetrate the medical ~~implement~~ implant into the tissue and said first handle and said second handle spread said first tissue engaging ~~surface member~~ member and said second tissue engaging ~~surface member~~ member when actuated.

Claim 42 (Currently Amended). The apparatus according to claim 40, wherein said magnetic field generator repels said magnetizable material to spread said first tissue engaging surface member and said second tissue engaging surface member and said first handle and said second handle compress said first tissue engaging surface member toward said second tissue engaging surface member to penetrate the medical ~~implement~~ implant into the tissue when actuated.

Claim 43 (Currently Amended). The apparatus according to claim 40, wherein said magnetic field generator attracts said magnetizable material to penetrate the medical ~~implement~~ implant into the tissue; said first handle and said second handle compress said first tissue engaging surface member toward said second tissue engaging surface member to penetrate the medical ~~implement~~ implant into the tissue; and a biasing member connected to said first tissue engaging surface member and said second tissue engaging surface member to spread said first tissue engaging surface member relative to said second tissue engaging surface member.

Claim 44 (Currently Amended). The apparatus of claim 1, wherein a location of said magnetic field is alterable to provide directional control of the medical ~~implement~~ implant as it is driven through the tissue.

Claim 45 (Withdrawn-Currently Amended). The instrument of claim 26, wherein a location of said magnetic field is alterable to provide directional control of the ~~medical~~ implant as the ~~medical~~ implant is driven through the tissue.

Claim 46 (Currently Amended). The apparatus according to claim 40, wherein a location of said magnetic field is alterable to provide directional control of the medical ~~implement~~ implant as it is driven through the tissue.

Claim 47 (Currently Amended). The apparatus of claim 1, wherein the ~~magnetic field generator and the magnetizable material are~~ first and second tissue engaging members include electromagnets.

Claim 48 (Currently Amended). The apparatus of claim 47, wherein said electromagnets are selectively activatable and deactivatable to move ~~[[the]]~~ a medical ~~implement~~ implant back and forth through the tissue.

Claim 49 (Previously Presented). The apparatus according to claim 40, wherein the magnetic field generator and the magnetizable material are electromagnets.

Claim 50 (Currently Amended). The apparatus according to claim 49, wherein said electromagnets are selectively activatable and deactivatable to move the medical ~~implement~~ implant back and forth through the tissue.

Claim 51 (Withdrawn). The apparatus according to claim 26, wherein said carrier is a slot formed in said body for receiving the at least a portion of the implant.

Claim 52 (Withdrawn). The apparatus according to claim 26, wherein said carrier is an eyelet formed in said body for receiving the at least a portion of the implant.

Claim 53 (Withdrawn). The apparatus according to claim 26, wherein said carrier is a barb connected to said body for releasably securing the at least a portion of the implant.

Claim 54 (Currently Amended). An apparatus assembly, comprising:

the apparatus according to claim 1; and

a medical ~~implement~~ implant being initially releasably connected to at least one of said first and second tissue engaging surface ~~and being at least temporarily affixed to one of said magnetizable material and said magnetic field generator members.~~

Claim 55 (Currently Amended). The apparatus according to claim 1, further comprising a holder connected to said first tissue engaging surface member for releasably holding the medical ~~implement~~ implant.

Claim 56 (Currently Amended). An apparatus assembly, comprising:

the apparatus according to claim 40; and

a medical ~~implement~~ implant being initially releasably connected to at least one of said first and second tissue engaging ~~surface and being at least temporarily affixed to one of said magnetizable material and said magnetic field generator members.~~

Claim 57 (Currently Amended). The apparatus according to claim 40, further comprising a holder connected to said first tissue engaging ~~surface~~ member for releasably holding the medical ~~implement~~ implant.

Claim 58 (New). The apparatus according to claim 54, wherein the medical implant includes a medical implement.

Claim 59 (New). The apparatus according the claim 40, wherein the medical implant includes a medical implement.

Claim 60 (New). The apparatus according to claim 54, wherein the medical implant includes a magnetic component.

Claim 61 (New). The apparatus according to claim 40, wherein the medical implant includes a magnetic component.